

1 **MINUTES OF THE CITY OF LAKE MARY, FLORIDA, BOARD OF ADJUSTMENT**
2 **MEETING HELD ON OCTOBER 19, 2005, 7:00 P.M., CITY HALL, 100 N. COUNTRY**
3 **CLUB ROAD**

4
5 **TAPE 1, SIDE A**

6 I. Call to Order

7 The meeting was called to order at 7:00 p.m.

8 II. Moment of Silence

9 III. Pledge of Allegiance

10 IV. Roll Call - Determination of a Quorum

11 The following members were present:

12 Vice Chairman Eileen Hoppen (Acting Chair)

13 Member Frank Martin

14 Member Nancy Vallianatos

15 Member Shawn O'Brien

16

17 Chairman Jim Lormann and Alternate George Ludwig were absent.

18

19 City staff present were Juan (John) A. Omana, Jr., Community Development
20 Director; Gary Schindler, City Planner; Tom Connelly, P.E., Planning Engineer; and
21 Diana T. Adams, Administrative Secretary.

22 V. Approval of Minutes - July 20, 2005

23 **MOTION:**

24 **Member O'Brien moved to approve the Minutes of the July 20, 2005, Board of**
25 **Adjustment meeting, as presented. Member Martin seconded the motion.**
26 **Chairman Lormann and Alternate Ludwig were absent. The motion carried**
27 **unanimously 4-0.**

28 VI. Old Business

29 None

30 VII. New Business

1 A. 2005-VA-10: Request for variance(s) from § 154.14, City of Lake Mary Code
2 of Ordinances, for a fence in the front yard located at 520 Webster Street,
3 Lake Mary, Florida; Applicant: Richard S. Price (REQUEST TO CONTINUE)
4

5 Mr. Schindler announced that this continuance was requested by the Applicant
6 because he could not attend this hearing.
7

8 Vice Chairman Hoppen opened the hearing to public comment. Hearing none, she
9 closed that portion and opened it to board discussion and/or a motion.
10

11 **MOTION:**
12

13 **Member Martin moved to continue the request by Richard S. Price for**
14 **variance(s) from § 154.14, City of Lake Mary Code of Ordinances, for a**
15 **fence in the front yard located at 520 Webster Street, Lake Mary, Florida, to**
16 **the November 2, 2005, Board of Adjustment meeting. Member O'Brien**
17 **seconded the motion. Chairman Lormann and Alternate Ludwig were absent.**
18 **The motion carried unanimously 4-0.**
19

20 B. 2005-VA-11: Request for a variance from § 154.64 (C) (2), City of Lake Mary
21 Code of Ordinances, to the front yard setback on property located at 3720
22 Lake Emma Road, Lake Mary, Florida; Applicant: Lake Mary Car Care
23 Center, Inc.
24

25 Tom Connelly P.E., Planning Engineer, presented the request and the related Staff
26 Report. The Location Map attached to the Staff Report was on the overhead
27 projector. He said this request involves a variance from the required 25' setback to
28 5', providing a 20' variance. He stated that the variance is based on a desire of the
29 car wash to put a canopy shade area on the property in the location where cars
30 come out after the initial washing of the cars and staff does the final cleaning or
31 taking off the moisture from the vehicles.
32

33 Mr. Connelly put two more exhibits on the overhead, one depicting where the
34 proposed canopy is to be located and the other depicting the style of canopy
35 proposed to be erected. He said the canopy will be used by staff during the warmer
36 sunnier days as a shade location and a place where they can rest between working
37 on cars.
38

39 Mr. Connelly stated that in evaluating this variance, staff reviewed it against the six
40 variance criteria, and it is staff's opinion that it really does not have justification for
41 this particular variance and does not meet the requirements of city code.
42

1 Mr. Connelly concluded, discussing similar, previous variances contained in the
2 Staff Report (there were none).

3
4 Vice Chairman Hoppen asked if the location of the proposed canopy is to be where
5 they are currently drying the cars.

6
7 Mr. Connelly answered affirmatively.

8
9 Juan (John) A. Omana, Jr., Community Development Director, further indicated on
10 the exhibit on the overhead that where the square area is located is roughly the
11 area where the proposed canopy would go.

12
13 Vice Chairman Hoppen questioned if the edge of the roof of the proposed canopy is
14 what would encroach on the easement.

15
16 Mr. Schindler replied that the entire canopy encroaches.

17
18 Vice Chairman Hoppen asked if it would be based on the roofline of the canopy and
19 not where the pole is.

20
21 Mr. Schindler answered affirmatively.

22
23 Mr. Connelly emphasized that it is his understanding that the proposed canopy will
24 be a permanent structure even though it is mainly for shade. It is something that
25 will not be put up and taken down daily or even at short intervals.

26
27 Vice Chairman Hoppen questioned, based on the setback, is there a place on the
28 property where this canopy could go and not need a variance.

29
30 Mr. Connelly responded that his impression of the site is that there could be some
31 alternative locations, but the Applicant has made the request for this specific
32 location. He added that there has been some discussion about adjusting the
33 canopy, the location, but staff is presenting the Board with what has been proposed
34 by the Applicant.

35
36 Vice Chairman Hoppen requested the Applicant to come forward and address the
37 Board.

38
39 Chad Ibbotson, one of the owners of Lake Mary Car Wash, 3720 Lake Emma
40 Road, Lake Mary, Florida 32746, addressed the Board in favor of the proposed
41 variance. He said the reason he is requesting the proposed canopy to be located
42 where it's at is because if they moved it back, which would fit within the setback, it
43 wouldn't be serving their purpose because it needs to be located down from where

1 the cars come out of the car wash. He stated another reason the canopy is being
2 requested is to provide shade for the employees due to the fact that in the
3 summertime it is about 110 degrees on the concrete and there is the concern of
4 skin cancer. He said he is not trying to take advantage of the setback, but they are
5 trying to erect the canopy where it would be most useful. He didn't think it would be
6 impacting too much on the City due to the fact that it is all parking lot and asphalt
7 anyway. He stated that they are not trying to do anything that would create a safety
8 problem; that they do keep the subject property looking very nice and he thought it
9 is an asset to the community.

10
11 Member Martin asked Mr. Ibbotson if the proposed canopy was going to be 36' x
12 40'.

13
14 Mr. Ibbotson answered affirmatively.

15
16 Member Martin questioned Mr. Ibbotson if it would be possible to reduce the size of
17 the canopy and still meet his needs.

18
19 Mr. Ibbotson replied that he could reduce the size, but the cars might impact the
20 poles supporting the canopy. He said that he could move the proposed canopy
21 back a little, but due to the fact that most of the work after the cars are washed is
22 done in a certain area, he would like to keep it as far west on the property as
23 possible. He stated that he didn't want to impact the nearby easement at all due to
24 the fact that a backhoe may need to be put in there someday regarding a sewer
25 line, so he proposed to put the poles on (see dots on the diagram) either side
26 where there is actually a footer put in the ground with bolts sticking up; therefore,
27 the poles could go on and if a backhoe did need to get in there, they could take
28 down the structure by taking the bolts off, so it would not be fixed to the concrete.

29
30 Mr. Ibbotson said that he could come back requesting a different variance, but he
31 was trying to get as close as he can, but, unfortunately, the sun sets in the west
32 and the further back he puts it the more the shade goes backwards. So he was
33 trying to put the proposed canopy as far forward as he can on that west side, satisfy
34 the easement and try and get as much shade as they possibly can.

35
36 Vice Chairman Hoppen opened the hearing to public comment. Hearing none, she
37 closed that portion and entertained board discussion and/or a motion.

38
39 Vice Chairman Hoppen asked staff if this was a variance to the front yard setback.

40
41 Mr. Omana replied, from all sides you are required to have 25' because of its
42 commercial designation.

43

1 Mr. Ibbotson requested to address the Board further.

2
3 Vice Chairman Hoppen reopened the public hearing.

4
5 Mr. Ibbotson further added that when the site plan was originally approved, when
6 Matt West and Mr. Omana were here previously, other canopies near the dumpster
7 area were allowed to be erected within five or ten feet of the property line on the
8 same west side where the parking lot is. He thought they were given variances
9 back then because, obviously, their site plan was approved, and that has been
10 there since day one and they have never changed anything.

11
12 Mr. Omana stated that he couldn't speak to what his predecessor may have done.

13
14 Mr. Schindler explained that the dumpster enclosure has walls with no roof, and
15 walls can go into a nonresidential landscape buffer, and walls are different than
16 structures.

17
18 Mr. Ibbotson reiterated that if the Board feels like the proposed canopy should be
19 moved back a little bit he can work with that; that he was just trying to create
20 something for the employees, to give them a better work environment.

21
22 Member Martin commented that he appreciated what Mr. Ibbotson was trying to do,
23 but unfortunately he could not see anything that would change the issue of meeting
24 the six variance criteria.

25
26 Member O'Brien commented that he solely agreed from an empathy point of view.

27
28 **MOTION:**

29
30 **Member O'Brien moved to deny the request by Lake Mary Car Care Center,**
31 **Inc., for a variance from § 154.64 (C) (2), City of Lake Mary Code of**
32 **Ordinances, to the front yard setback on property located at 3720 Lake**
33 **Emma Road, Lake Mary, Florida, consistent with the Findings of Fact listed**
34 **in the Staff Report. Member Martin seconded the motion.**

35
36 **Vice Chairman Hoppen requested a roll-call vote on the motion, and was**
37 **taken as follows:**

38
39 **Member Vallianatos - Yes**

40 **Member Martin - Yes**

41 **Member O'Brien - Yes**

42 **Vice Chairman Hoppen - No**

43
OCTOBER 19, 2005-5
BOARD OF ADJUSTMENT

1 **Chairman Lormann and Alternate Ludwig were absent. The motion carried 3-**
2 **1.**

3
4 Vice Chairman Hoppen explained the appeal process to the Applicant; that
5 anybody may appeal this decision of the Board of Adjustment to the City
6 Commission within 30 days, or to the Courts.
7

8 VIII. Other Business

9 None

10 IX. Reports of Other Members

11 None

12 X. Adjournment

13 The meeting was adjourned at 7:30 p.m.
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15
16
17

18 _____
19 Eileen Hoppen, Vice Chairman

Diana T. Adams, Administrative
Secretary